

means for using the interactive wagering application to select a given one of multiple totes to use for placing the wager; and

means for using the interactive wagering application to automatically apply tote selection criteria that are based on bulk benefits associated with using each of the multiple totes.

Remarks

I. Introduction

Claims 1-82 are pending in this application. Claims 1-3, 5-11, 13-27, 29-32, 42-44, 46-52, 54-68, and 70-73 have been amended to more particularly define the invention. Claims 33-35 and 74-76 have been cancelled without prejudice. Annexed hereto is Appendix A showing the changes that have been made. Claims 83-158 have been added. No new matter has been added by any of the amendments. Reconsideration of this application in light of the following remarks is respectfully requested.

II. Summary of the Office Action

Claims 28 and 69 have been allowed.

The drawings have been objected to for containing certain drawing informalities.

Claims 1-27, 29-68, and 70-72 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

Claims 1, 4, 8, 9, 12, 14-16, 18, 20-22, 30-36, 39-42, 45, 49, 50, 53, 55-57, 59, 61-63, 71-77, and 80-82 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brenner et al. U.S. Patent 5,830,068 (hereinafter "Brenner").

Claims 2, 3, 6, 7, 10, 11, 13, 17, 19, 23-27, 37, 38, 43, 44, 47, 48, 51, 52, 54, 58, 60, 64-68, 78 and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner.

Claims 5, 29, 46, and 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner further in view of Walker et al. U.S. Patent 6,001,016 (hereinafter "Walker").

III. Reply to the Drawing Objection

The drawings have been objected to for containing certain drawing informalities as noted in Paper No. 7, which was mailed on July 1, 2002.

Applicants submit herewith a second submission of formal drawings. These formal drawings correct the drawing informalities noted in Paper No. 7

Accordingly, the objection to the drawings should be withdrawn.

IV. Reply to Claim Rejections under 35 U.S.C. § 112

Claims 1-27, 29-68, and 70-82 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention.

The Examiner contends that the previously amended version of independent claims 1 and 42 contain a feature that is open to two different interpretations. The feature, "wherein the associated wagering pools are not shared" is contended to be vague and ambiguous. Applicants respectfully traverse this rejection in view of amended independent claims 1 and 42.

Applicants' invention, as defined by independent claims 1 and 42, refers to a method and system that allows a user to place electronic wagers on races with an interactive wagering application. More particularly, the invention refers to using the interactive wagering application to create a wager of a particular wager type

for a particular race, providing access to multiple wagering pools that are independent of each other, wherein each wagering pool is capable of accepting the wager of the particular wager type for the particular race, and using the interactive wagering application to place the wager with one of the multiple wagering pools.

The undersigned held a telephone interview with the Examiner to discuss the § 112 rejection on February 13, 2003. During the interview, a proposed amended claim for overcoming the § 112 rejection was discussed. As a result of the interview, the undersigned submitted two new proposed claims to the Examiner in an attempt to overcome the § 112 rejection. In a February 19, 2003 email (attached to Appendix B for reference), the Examiner stated that the second proposed claim (draft #2 in the email) would be sufficient to overcome the § 112 rejection. Applicants submit that independent claims 1 and 42 are similar to the second proposed claim.

In view of the amendments to independent claims 1 and 42 and the foregoing discussion, applicants respectfully submit that claims 1-27, 29-32, 36-68, 70-73, and 77-82 comply with 35 U.S.C. § 112, second paragraph.

Accordingly, applicants request that the 35 U.S.C. § 112 rejection be withdrawn.

V. Reply to Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 4, 8, 9, 12, 14-16, 18, 20-22, 30-36, 39-42, 45, 49, 50, 53, 55-57, 59, 61-63, 71-77, and 80-82 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brenner. Applicants' respectfully traverse the rejection in view of amended independent claims 1 and 42.

While it is true that the practice of applicants' invention as claimed may implicate the teachings of Brenner, Brenner does not show applicants' specific improvement of (a) providing access to multiple wagering pools that are independent of each other, wherein each wagering pool is capable of accepting a wager of a particular wager type for a particular race and (b) using an interactive wagering application to place the wager with one of the multiple wagering pools.

Brenner shows a system that includes multiple totalisators (e.g., totalisators 102, 104, 106 and 108 of FIG. 1 and totalisators 382 of FIG. 29). The totalisators "are generally each located at a separate racetrack" (col. 5, lines 47 to 48 of Brenner). Each totalisator handles wagers at its associated track (see col. 5, lines 54-58 of Brenner). The totalisators are "capable of communicating between one another" to allow a user to "interact with one totalisator to view odds and place wagers on races at other

racetracks" (col. 5, lines 48 to 49 and lines 56-58 of Brenner). Thus the system of Brenner shows a single totalisator at each racetrack capable of accepting wagers for races at that racetrack.

Accordingly, Brenner does not show providing access to multiple wagering pools that are independent of each other, wherein each wagering pool is capable of accepting a wager of a particular wager type for a particular race as required by claims 1 and 42. Therefore, Brenner also does not show using an interactive wagering application to place the wager with one of the multiple wagering pools as required by claims 1 and 42.

Applicants respectfully submit that independent claims 1 and 42 are patentable over Brenner. Claims 2-27, 29-32, 36-41, 43-68, 70-73, and 77-82 are also patentable because they depend from claims 1 and 42.

VI. Reply to the Claim Rejections under 37 C.F.R. § 103(a)

Claims 2, 3, 6, 7, 10, 11, 13, 17, 19, 23-27, 37, 38, 43, 44, 47, 48, 51, 52, 54, 58, 60, 64-68, 78 and 79 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner.